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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,753	04/16/2004	Robert E. Oidtman	3115	1221
23545	7590	11/15/2007		
KATHLEEN M HARLESTON THE HARLESTON LAW FIRM 909 TALL PINE ROAD MT PLEASANT, SC 29464			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/826,753

Applicant(s)

OIDTMAN, ROBERT E.

Examiner

Jessica Laux

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 28-46 is/are pending in the application.
- 4a) Of the above claim(s) 29-34, 37-42 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28, 35, 36 and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/16/2004, 07/13/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/30/2006, 05/02/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, Species II in the reply filed on 08/23/2007 is acknowledged. The traversal is on the ground(s) that examination of the groups/species cited would not impose a serious burden on the examiner. This is not found persuasive because: (1) the search required for the elected group/species would not include a search for the unelected group/species since the structural difference between the group/species would necessitate additional search, and (2) examination is not limited simply to search. IN addition to the search, much of the examination is devoted to determining patentability of claims. Said determination requires the formulation of rejections and responding to applicant's arguments with regard to same. The additional search and the determination of patentability for multiple, patentably distinct group/species would place serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 29-34, 37-42, 46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group or species, there being no allowable generic or linking claim.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore - the pole assembly comprising at least two pole/bracket assemblies with at least one table top and an inline

cable and turnbuckle - must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

The claims are objected to because the status of each and every claim must be clearly presented in each amendment. Therefore the status of claims 1-27 must be indicated by either listing each claim and its status or by listing "Claims 1-27 (cancelled)".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 28, 35-36, 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafson (4546581).**

Regarding claims 28, 35: Gustafson discloses a bracket and pole assembly kit, comprising:

a) at least two brackets (the combination of elements as seen in figure 5), each of the at least two brackets comprising a cylindrical bracket shaft (36); each of the at least two brackets being one piece and being attachable to a floor joist of a raised flooring surface, each bracket shaft being openable to a corresponding hole in the raised flooring surface;

(b) at least two pole assemblies (50), each of the at least two pole assemblies comprising a removable hollow pole, an end portion of each hollow pole being removably insertable in each bracket shaft (as seen in figures 3 and 7);

(c) at least one tabletop (58) that is slidable (via element 56) over the poles of the at least two pole assemblies;

(d) at least one tabletop attachment mechanism (elements 56, 252) for attaching the at least one tabletop to the at least two pole assemblies.

Gustafson does not expressly disclose a cable and turnbuckle between the two brackets, but does disclose stabilizing rod, 80, being extendible between the two bracket assemblies to stabilize the support posts.

It is notoriously common and well known in the art to use cables with turnbuckles to provide tension for stabilizing posts (reference US Patents 5466095, 4875467, 3724007, 2903752, 2880741; which all teach the use of cables and turnbuckles for stabilizing).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the rod of Gustafson for the known cable and turnbuckle assembly to achieve the predictable results of a stabilized post assembly.

Regarding claim 36: The bracket and pole assembly kit according to Claim 28, further comprising a single bracket shaft joist wall attached to each of the at least two bracket shafts (42, 44, 46, 108; as seen in figure 7); wherein each bracket shaft is an extended, cylindrical bracket shaft, a vertical dimension of the extended, cylindrical bracket shaft being greater than a vertical dimension of the single bracket shaft joist wall, each bracket shaft joist wall being attached to an outside of each of the at least two bracket shafts (as seen in figures 3 or 7).

Regarding claims 43, 45: A two poled combination bracket and pole assembly, comprising:

(a) two brackets (the combination of elements as seen in figure 5), each comprising a cylindrical bracket shaft (36), each of the two brackets being one piece and being attachable to a floor joist of a raised flooring surface, each bracket shaft

being openable to a corresponding hole in the raised flooring surface, each bracket shaft comprising a bottom support (164, 170) within the bracket shaft;

(b) two pole assemblies, each comprising a removable, one piece hollow pole (50), an end portion of each hollow pole being removably inserted in each bracket shaft, and supported on the bottom support (figures 3 and 7).

Gustafson does not expressly disclose a cable and turnbuckle between the two brackets, but does disclose stabilizing rod, 80, being extendible between the two bracket assemblies to stabilize the support posts.

It is notoriously common and well known in the art to use cables with turnbuckles to provide tension for stabilizing posts (reference US Patents 5466095, 4875467, 3724007, 2903752, 2880741; which all teach the use of cables and turnbuckles for stabilizing).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the rod of Gustafson for the known cable and turnbuckle assembly to achieve the predictable results of a stabilized post assembly.

Regarding claim 44: The two poled combination bracket and pole assembly according to Claim 43, further comprising:

(d) at least one tabletop (56, 58), each tabletop comprising a central hole through which extends one of the poles of the two pole assemblies (as seen in figure 3); and

(e) at least one tabletop attachment mechanism (252) removably attaching the at least one tabletop to either of the poles.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/  
PRIMARY EXAMINER

JL  
11/08/2007